

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                     |   |                      |
|---------------------|---|----------------------|
| KURTIS E. ARMANN    | ) |                      |
|                     | ) |                      |
| Petitioner          | ) |                      |
| v.                  | ) | C.A. No. 04-118 Erie |
|                     | ) |                      |
| WARDEN, FCI-MCKEAN, | ) |                      |
|                     | ) |                      |
| Respondent.         | ) |                      |

MOTION TO SUPPLEMENT MOTION FOR EVIDENTIARY HEARING

AND NOW, comes the petitioner, Kurtis E. Armann, by his attorney, Assistant Federal Public Defender Thomas W. Patton, and files this Motion to Supplement Motion for Evidentiary Hearing. In support thereof counsel states:

Mr. Armann has filed a Motion for Evidentiary Hearing on the competency issue raised in his habeas petition. Attached to this Motion are Petitioner's Exhibits T and U which supplement the Motion for Evidentiary Hearing. Petitioner's Exhibit T is an affidavit from Staff Sergeant Dallas Callis swearing to the fact that he gave the medications listed in the medication logs to Mr. Armann on March 18<sup>th</sup> and 19<sup>th</sup>, 1999. Petitioner's Exhibit U is a report prepared by Dr. Terry Martinez concerning his opinions as to how the ingestion of the medication given to Mr. Armann by Sergeant Callis would have rendered Mr. Armann unable to understand the nature of the proceedings against him or to cooperate intelligently in the defense of his case. Neither of these Exhibits were in Mr. Armann's possession at the time the Motion for Evidentiary Hearing was filed.

WHEREFORE, the petitioner, Kurtis E. Armann, respectfully requests that this

Honorable Court allow him to supplement his Motion for Evidentiary Hearing with Petitioner's Exhibits T and U.

Respectfully submitted,

/s/ Thomas W. Patton

Thomas W. Patton  
Assistant Federal Public Defender  
P.A. I.D. No. 88653